

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DURRELL HOLCOMB,

Plaintiff,

No. CIV S-02-2417 LKK KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

On July 6, 2010, the court ordered counsel for defendants to show cause why he should not be sanctioned under Rule 11(b) of the Federal Rules of Civil Procedure for making materially false representations to the court. The court issued the order to show cause because counsel submitted declarations with significant and unexplained inconsistencies as to whether counsel crossed out paragraph 8 of the parties' settlement agreement before or after plaintiff signed the agreement.

In his response to the order to show cause, counsel attributes the inconsistencies in his declarations to an unclear recollection based on serious health problems. Counsel asserts that his failure to withdraw arguments based on the superseded declaration was a "regrettable mistake."

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1 In light of the representations made by counsel, and acknowledging counsel's
2 otherwise unblemished record, the order to show cause will be discharged.

3 In accordance with the above, IT IS HEREBY ORDERED that the order to show
4 cause issued on July 6, 2010 is discharged.

5 DATED: July 20, 2010.

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8 U.S. MAGISTRATE JUDGE
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